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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,767	05/20/2004	Paul P. Cheng	AD7011USNA	7371

23906 7590 04/12/2006

E I DU PONT DE NEMOURS AND COMPANY  
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EXAMINER

SIMONE, CATHERINE A

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/849,767	<b>Applicant(s)</b> CHENG ET AL.	
	<b>Examiner</b> Catherine Simone	<b>Art Unit</b> 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/17/04 &amp; 9/21/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehra et al. (US 5,443,867).

Mehra et al. discloses a molded article suitable for the transport or storage of fuels used in internal combustion engines and having improved fluid permeation barrier properties, made from a polyamide resin composition comprising polyamide (see col. 2, line 40) and 5 to 50 weight parts of a phenolic novolac resin (see col. 2, lines 60-67 and col. 7, lines 61-63). However, Mehra et al. fails to disclose the polyamide being of 100 weight parts. Mehra et al. does, however, teach the polyamide being of 60-95 weight parts (see col. 7, lines 59-61). Therefore, the optimum range for the weight parts of the polyamide would be readily determined through routine experimentation by one having ordinary skill in the art depending on the desired end results. Thus, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the weight parts of the polyamide in Mehra et al. to be 100 weight parts, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art in absence of showing unexpected results. *MPEP 2144.05 (II)*.

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Regarding claim 2, Mehra et al. discloses 5 to 40 weight percent, based on the total weight of the composition, of an ethylene/ $\alpha$ -olefin copolymer impact modifier (see col. 4, lines 8-11 and col. 7, lines 66-68). Regarding claim 3, Mehra et al. discloses one or more additives selected from the group consisting of inorganic fillers, organic fillers, heat stabilizers, plasticizers, antioxidants, dyes, pigments and flame retardants (see col. 8, lines 1-13).

Regarding claims 4-9, the limitations “in the form of a fuel cannister”, “in the form of a fuel valve”, “in the form of a fuel inlet”, “in the form of a fuel neck”, “in the form of a fuel tank” and “in the form of a fuel line” are recitations of the intended use and a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mehra et al. in view of Yamamoto et al. (US 5,891,538).

Mehra et al. teaches the molded article as detailed above. However, Mehra et al. fails to disclose the composition comprising about 1 to about 15 weight percent of one or more conductive additives selected from the group consisting of stainless steel fibers, carbon fibers, nickel-coated carbon fibers, carbon black, and carbon nanotubes.

Yamamoto et al. discloses a polyamide resin composition including 1 to about 15 weight percent of one or more conductive additives such as carbon fibers (see col. 8, line 4 and line 46) for the purpose of producing an article having excellent chemical resistance to and impermeability of a gasoline, an alcohol, an acid etc.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the polyamide resin composition in Mehra et al. to include about 1 to about 15 weight percent of one or more conductive additives such as carbon fibers as suggested by Yamamoto et al. in order to form an article having excellent chemical resistance to and impermeability of a gasoline, an alcohol, an acid etc.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Catherine A. Simone  
Examiner  
Art Unit 1772  
April 10, 2006

  
ALICIA CHEVALIER  
PRIMARY EXAMINER